

(Attorney list on signature page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re Bank of America Corp. Auction Rate
Securities Marketing Litigation

This Document Relates to:
Bondar v. Bank of America Corp.
No. C 08-2599 (JSW)

MDL No. 09-2014 ORDER DENYING

**STIPULATION AND ~~[PROPOSED]~~
SCHEDULING ORDER**

Hon. Jeffrey S. White

Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599 (JSW) and Defendants Bank of America Corporation, Banc of America Securities LLC, and Banc of America Investment Services, Inc. (collectively, "Defendants"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS on August 26, 2009, the Court issued an order setting the following schedule with respect to the Second Amended Class Action Complaint:

- 1) September 9, 2009: Defendants' deadline to answer, move against or otherwise respond to the Second Amended Class Action Complaint;
- 2) October 9, 2009: Class Plaintiffs' deadline to file any opposition to Defendants' motion to dismiss; and
- 3) October 30, 2009: Defendants' deadline to file any reply in support of the motion to dismiss.

WHEREAS Defendants filed the motion to dismiss on September 9, 2009 and set the hearing on the motion for November 20, 2009;

WHEREAS on September 29, 2009, the Court advised that it was unavailable on the November 20 date Defendants originally selected and Defendants' re-noticed the hearing on the motion to dismiss for December 11, 2009 or as soon thereafter as the matter may be heard;

1 **WHEREAS** the parties have met and conferred, and, subject to this Court's approval,
2 agree that the continuation of the hearing date is good cause for a modest extension of the
3 remaining briefing schedule for the motion to dismiss;

4 **WHEREAS** the parties agree, subject to this Court's approval, to the following
5 schedule for the remaining briefing dates on Defendants' motion to dismiss:

- 6 1) Class Plaintiffs shall file any response in opposition to Defendants' motion to
7 dismiss on or before October 30, 2009; and
8 2) Defendants shall file any reply in support of the motion to dismiss on or before
9 November 25, 2009.

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11 Dated: October 7, 2009

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Attorneys for Defendants

~~**[PROPOSED] ORDER**~~

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that:

- ~~1) Class Plaintiffs shall file any response in opposition to Defendants' motion to dismiss on or before October 30, 2009; and~~
- ~~2) Defendants shall file any reply in support of the motion to dismiss on or before November 25, 2009.~~

The Court does not find the continuance of the hearing to be good cause to modify the briefing schedule. The briefing schedule remains set as previously ordered.

IT IS SO ORDERED.

DATED: October 7, 2009



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE